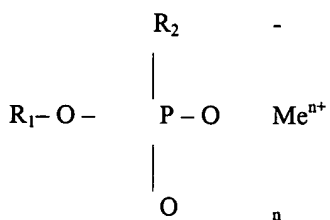
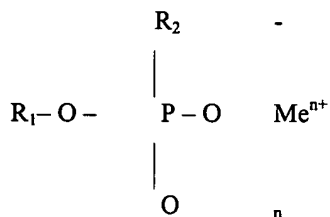


AMENDMENTS TO THE CLAIMS:

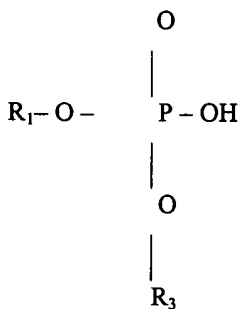
The claims are amended as follows:

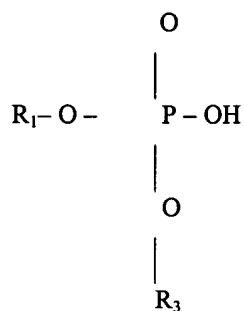
1. (Currently amended) An aqueous solution for ~~preventing and controlling~~ mitigating fungal and bacterial diseases in plants, said aqueous solution comprising effective amounts of

- (a) at least one first composition selected from the group consisting of $(\text{NH}_4)_2\text{HPO}_3$ and compounds having the following formula:

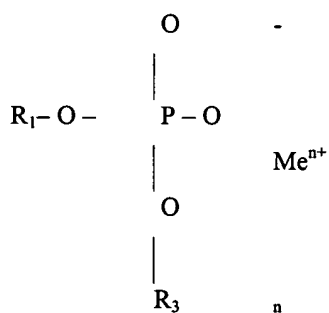
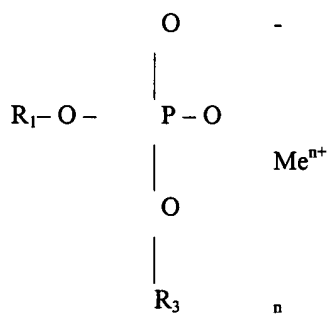


- (b) at least one second composition selected from the group consisting of $(\text{NH}_4)_2\text{HPO}_4$, $(\text{NH}_4)_3\text{PO}_4$, and compounds having the following formula:





or the formula:



where R_1 is selected from the group consisting of H, K, an alkyl radical containing from 1 to 4 carbon atoms, halogen-substituted alkyl or nitro-substituted alkyl radical, an alkenyl, halogen-substituted alkenyl, alkynyl,

halogen-substituted alkynyl, alkoxy-substituted alkyl radical, ammonium substituted by alkyl or hydroxy alkyl radicals;

R₂ and R₃ are selected from the group consisting of H and K;

Me is selected from the group consisting of K, alkaline earth metal cations, an aluminum atom, and an ammonium cation;

n is a whole number equal to between 1 and 3, equal to the valence of Me; and

(c) at least one metal chelate wherein the metal of said metal chelate is a metal selected from the group consisting of iron, zinc, manganese, copper and combinations thereof, and the chelate of said metal chelate is selected from the group consisting of EDTA, HEEDTA, DTPA, pEDDHA, EDDHA, EDDHMA and combinations thereof,

the metal chelate being present in amount of at least about 1% by weight of metal in the solution.

2. (Previously presented) The aqueous solution of Claim 1 wherein the concentration of said metal chelate in said aqueous solution is such that, when said aqueous solution is applied to one acre, about 0.01 to about 2 pounds metal of said metal chelate is applied to that acre.

3. (Previously presented) The aqueous solution of Claim 2 wherein the concentration of said metal chelate in said aqueous solution is such that, when said aqueous solution is applied to one acre, about 0.01 to about 0.8 pounds metal of said metal chelate is applied to that acre.

4. (Previously presented) The aqueous solution of Claim 1 wherein said metal of said metal chelate is a metal selected from the group consisting of zinc, manganese and copper and combinations thereof.

5. (Previously presented) The aqueous solution of Claim 1 wherein said metal chelate has a solubility equal to about 100% where at least 80 pounds of said metal chelate are dissolved in 100 gallons of water at 50° C.

6. (Previously presented) The aqueous solution of Claim 1 wherein said metal chelate is added in an amount (on a metal basis) equal to between 1% and 5% by weight of the aqueous solution.

7. (Cancelled)

8. (Cancelled)

9. (Previously presented) The aqueous solution of Claim 4 wherein said metal chelate is selected from the group consisting of Cu-EDDHA, Cu-pEDDHA, Cu-EDDHMA, and combinations thereof.

10. (Cancelled)

11. (Previously presented) The aqueous solution composition of Claim 1 wherein said at least one first ~~salt~~ composition is selected from the group consisting of K_2HPO_3 , KH_2PO_3 , $(NH_4)H_2PO_3$, and $(NH_4)_2 HPO_3$; and said at least one second ~~salt~~ composition is selected from the group consisting of K_2HPO_4 , KH_2PO_4 , K_3PO_4 , $(NH_4)_2HPO_4$, $(NH_4)H_2PO_4$, and $(NH_4)_3PO_4$.

12. (Previously presented) The aqueous solution composition of Claim 1 wherein said composition is in an aqueous solution, wherein each said at least one said first composition and at least one said second composition—is present in solution from about 0.1 millimolar to about 1000 millimolar.

13. (Previously presented) The aqueous solution composition of Claim 12 wherein said composition is in an aqueous solution, wherein each said at least one said first composition and at least one said second composition is present in solution from about 20 millimolar to about 200 millimolar.

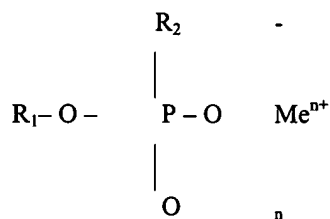
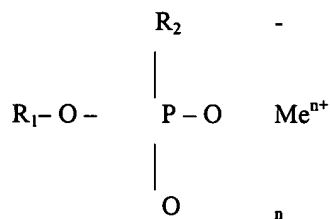
14. (Previously presented) The aqueous solution composition of Claim 1 wherein the weight ratio of said at least one first composition to said at least one second composition is 1:0.001 to 1:1,000.

15. (Previously presented) The aqueous solution composition of Claim 1 wherein said composition treats or prevents diseases caused by *Phytophthora*.

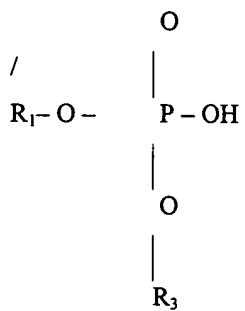
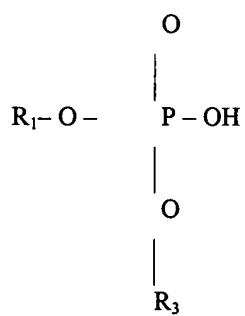
16. (Previously presented) The aqueous solution composition of Claim 15 wherein said composition treats or prevents diseases caused by *Phytophthora infestans*.

17. (Previously presented) The aqueous solution composition of Claim 1 wherein the plants are tomato and potato species.

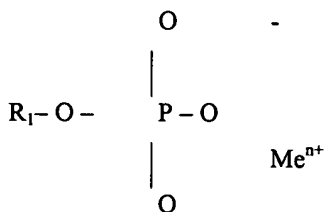
18. (Currently amended) A method for controlling fungal and/or bacterial disease wherein said method comprises applying to a plant an aqueous solution of fungicidally and/or bactericidally effective amounts of at least one metal chelate, at least one phosphate, and at least one phosphonate salt in aqueous solution, wherein said phosphonate salt is selected from a group consisting of $(\text{NH}_4)_2 \text{HPO}_3$ and compounds having the following formula:



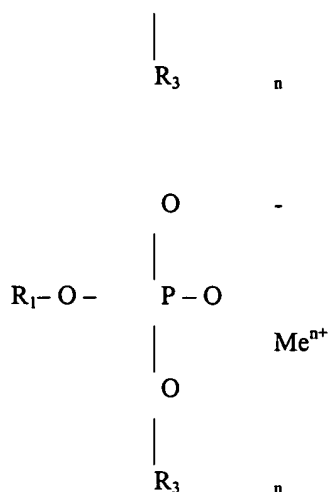
said phosphate is selected from a group consisting of $(\text{NH}_4)_2 \text{HPO}_4$, $(\text{NH}_4)_3 \text{PO}_4$, and compounds having the following formula:



or the formula:



Response to Office Action of February 11, 2005



where R_1 is selected from the group consisting of H, K, an alkyl radical containing from 1 to 4 carbon atoms, halogen-substituted alkyl or nitro-substituted alkyl radical, an alkenyl, halogen-substituted alkenyl, alkynyl, halogen-substituted alkynyl, alkoxy-substituted alkyl radical, ammonium substituted by alkyl or hydroxy alkyl radicals;

R_2 and R_3 are selected from the group consisting of H and K;

Me is selected from the group consisting of K, alkaline earth metal cations, an aluminum atom, and an ammonium cation;

n is a whole number equal to between 1 and 3, equal to the valence of Me; and said metal of said metal chelate is a metal selected from the group consisting of iron, zinc, ~~tin~~, manganese, copper and combinations thereof, and the chelate of said metal chelate is selected from the group consisting of EDTA, HEHEEDTA, DTPA, pEDDHA, EDDHA, EDDHMA and combinations thereof,

the metal chelate being present in amount of at least about 1% by weight of metal in the solution.

19. (Previously presented) The method of Claim 18 wherein the concentration of said metal chelate in said aqueous solution is such that, when said aqueous solution is

applied to one acre, about 0.01 to about 2 pounds metal of said metal chelate is applied to that acre.

20. (Previously presented) The method of Claim 19 wherein the concentration of said metal chelate in said aqueous solution is such that, when said aqueous solution is applied to one acre, about 0.01 to about 0.8 pounds metal of said metal chelate is applied to that acre.

21. (Previously presented) The aqueous solution of Claim 18 wherein the metal of said metal chelate is a metal selected from the group consisting of zinc, manganese and copper and combinations thereof.

22. (Original) The method of Claim 18 wherein said metal chelate has a solubility equal to about 100% where at least 80 pounds of said metal chelate are dissolved in 100 gallons of water at 50° C.

23. (Previously presented) The method of Claim 18 wherein said metal chelate is added in an amount (on a metal basis) equal to between 1 % and 5% by weight of the aqueous solution.

24. (Cancelled)

25. (Cancelled)

26. (Previously presented): The method of Claim 21 wherein said metal chelate is selected from the group consisting of Cu-EDDHA, Cu-pEDDHA, Cu-EDDHMA, and combinations thereof.

27. (Cancelled)

28. (Previously presented) The method of Claim 18 wherein said phosphonate salt is selected from the group consisting of K_2HPO_3 , KH_2PO_3 , and $(NH_4)H_2PO_3$, and said phosphate is selected from the group consisting of K_2HPO_4 , KH_2PO_4 , K_3PO_4 , and $(NH_4)H_2PO_4$.

29. (Previously presented) The method of Claim 18 wherein said phosphonate salt –and said phosphate are each present in said aqueous solution from about 0.1 millimolar to about 1000 millimolar.

30. (Previously presented) The method of Claim 29 wherein said phosphonate salt–and said phosphate are each present in said aqueous solution from about 20 millimolar to about 200 millimolar.

31. (Previously presented) The method of claim 18 wherein the weight ratio of said phosphonate-salt to said phosphate is 1:0.001 to 1:1,000.

32. (Currently amended) The method of claim 18 wherein said aqueous solution ~~treats or prevents~~ is used against diseases caused by *Phytophthora*.

33. (Currently amended) The method of claim 32 wherein said aqueous solution ~~treats or prevents~~ is used against diseases caused by *Phytophthora infestans*.

34. (Original) The method of claim 18 wherein the plants are tomato and potato species.

35. (Currently amended) A method of controlling fungal and/or bacterial disease in plants comprising applying to the plants in enhanced fungicidally and/or bactericidally effective amounts an aqueous solution composition comprising:

- (a) an aqueous solution of H_3PO_3 and KOH, wherein the H_3PO_3 and KOH react in an equilibrium reaction to form potassium phosphonate,
- (b) an aqueous solution of monopotassium phosphate and KOH, wherein the monopotassium phosphate and KOH react in an equilibrium reaction to form dipotassium phosphate, and
- (c) a metal chelate wherein the metal of said metal chelate is a metal selected from the group consisting of iron, zinc, manganese, copper and combinations thereof, and the chelate of said metal chelate is selected from the group consisting of EDTA, HEEDTA, DTPA, pEDDHA, EDDHA, EDDHMA and combinations thereof,

the metal chelate being present in amount of at least about 1% by weight of metal in the solution.

36. (Previously presented) The method of Claim 35 wherein the amount of potassium phosphonate in said aqueous solution (a) and the amount of dipotassium phosphate in said aqueous solution (b) are each present in said composition in an amount from about 0.1 millimolar to about 1000 millimolar.

37. (Previously presented) The method of Claim 35 wherein the weight ratio of potassium phosphonate prepared from solution (a) in said composition to dipotassium phosphate prepared from solution (b) in said composition is 1:0.001 to 1:1,000.

38. (Previously presented) The method of Claim 35 wherein the concentration of said metal chelate in said composition is such that when said-composition is applied to one acre, about 0.01 to about 2 pounds metal of said metal chelate is applied to that acre.

39. (Previously presented) The method of Claim 35 wherein said metal of said metal chelate is selected from the group consisting of iron, zinc, manganese, copper, and combinations thereof.

40. (Currently amended) A method of controlling fungal and/or bacterial disease in plants comprising applying to the plants in enhanced fungicidally and/or bactericidally effective amounts an aqueous solution composition prepared by mixing:

- (a) an aqueous solution of H_3PO_3 and KOH, wherein the H_3PO_3 and KOH react in an equilibrium reaction to form potassium phosphonate,
- (b) an aqueous solution of monopotassium phosphate and KOH, wherein the monopotassium phosphate and KOH react in an equilibrium reaction to form dipotassium phosphate, and
- (c) a metal chelate wherein the metal of said metal chelate is a metal selected from the group consisting of iron, zinc, manganese, copper and combinations thereof, and the chelate of said metal chelate is selected

from the group consisting of EDTA, HEEDTA, DTPA, pEDDHA, EDDHA, EDDHMA and combinations thereof,
the metal chelate being present in amount of at least about 1% by weight of metal in the solution.

41. (Previously presented) The method of Claim 40 wherein the amount of potassium phosphonate in said aqueous solution (a) and the amount of dipotassium phosphate in said aqueous solution (b) are each present in said composition in an amount from about 0.1 millimolar to about 1000 millimolar.

42. (Previously presented) The method of Claim 40 wherein the weight ratio of potassium phosphonate prepared from solution (a) in said composition to dipotassium phosphate prepared from solution (b) in said composition is 1:0.001 to 1:1,000.

43. (Previously presented) The method of Claim 40 wherein the concentration of said metal chelate in said composition is such that when said composition is applied to one acre, about 0.01 to about 2 pounds metal of said metal chelate is applied to that acre.

44. (Previously presented) The method of Claim 40 wherein said metal of said metal chelate is selected from the group consisting of iron, zinc, manganese, copper, and combinations thereof.

45. (Currently amended) A method of controlling fungal and/or bacterial disease in plants comprising applying to the plants in enhanced fungicidally and/or bactericidally effective amounts an aqueous solution composition comprising:

- (a) an aqueous solution of H_3PO_3 and KOH, wherein the H_3PO_3 and KOH react in an equilibrium reaction to form potassium phosphonate,
- (b) an aqueous solution of dipotassium phosphate, and
- (c) a metal chelate wherein the metal of said metal chelate is a metal selected from the group consisting of iron, zinc, manganese, copper and combinations thereof, and the chelate of said metal chelate is selected

from the group consisting of EDTA, HEEDTA, DTPA, pEDDHA, EDDHA, EDDHMA and combinations thereof,
the metal chelate being present in amount of at least about 1% by weight of metal in the solution.

46. (Previously presented) The method of Claim 45 wherein the amount of potassium phosphonate in said aqueous solution (a) and the amount of dipotassium phosphate in said aqueous solution (b) are each present in said composition in an amount from about 0.1 millimolar to about 1000 millimolar.

47. (Previously presented) The method of Claim 45 wherein the weight ratio of potassium phosphonate prepared from solution (a) in said composition to dipotassium phosphate prepared from solution (b) in said composition is 1:0.001 to 1:1,000.

48. (Previously presented) The method of Claim 45 wherein the concentration of said metal chelate in said composition is such that, when said composition is applied to one acre, about 0.01 to about 2 pounds metal of said metal chelate is applied to that acre.

49. (Previously presented) The method of Claim 45 wherein said metal of said metal chelate is selected from the group consisting of iron, zinc, manganese, copper, and combinations thereof.

50. (Currently amended) A method of controlling fungal and/or bacterial disease in plants comprising applying to the plants in enhanced fungicidally and/or bactericidally effective amounts an aqueous solution composition prepared by mixing:

- (a) an aqueous solution of H_3PO_3 and KOH, wherein the H_3PO_3 and KOH react in an equilibrium reaction to form potassium phosphonate,
- (b) an aqueous solution of dipotassium phosphate, and
- (c) a metal chelate wherein the metal of said metal chelate is a metal selected from the group consisting of iron, zinc, manganese, copper and combinations thereof, and the chelate of said metal chelate is selected

from the group consisting of EDTA, HEEDTA, DTPA, pEDDHA, EDDHA, EDDHMA and combinations thereof,
the metal chelate being present in amount of at least about 1% by weight of metal in the solution.

51. (Previously presented) The method of Claim 50 wherein the amount of potassium phosphonate in said aqueous solution (a) and the amount of dipotassium phosphate in said aqueous solution (b) are each present in said composition in an amount from about 0.1 millimolar to about 1000 millimolar.

52. (Previously presented) The method of Claim 50 wherein the weight ratio of potassium phosphonate prepared from solution (a) in said composition to dipotassium phosphate prepared from solution (b) in said composition is 1:0.001 to 1:1,000.

53. (Previously presented) The method of Claim 50 wherein the concentration of said metal chelate in said composition is such that when said composition is applied to one acre, about 0.01 to about 2 pounds metal of said metal chelate is applied to that acre.

54. (Previously presented) The method of Claim 50 wherein said metal of said metal chelate is selected from the group consisting of iron, zinc, manganese, copper, and combinations thereof.